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### **REMARKS**

The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1 - 27 are pending in the application. Claims 1 - 27 have been rejected. Claims 22, 24, and 25 have been amended to correct technical deficiencies therein. Applicants assert that such amendments add no new matter. Applicants note that none of the amendments to the claims herein are in response to the prior art rejections discussed in the office action.

### **Remarks to the Drawings**

Fig. 1 has been amended to match the specification and to correct an error. The drawing sheet containing Fig. 1 is enclosed for review by the Examiner. The amended figure adds no new matter.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1 - 27 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent Application No. 2002/0082010 to Koorapaty et al. ("Koorapaty"). Applicants respectfully traverse this rejection in view of the remarks that follow.

As is well established, in order to successfully assert a prima facie case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected.

Applicants assert that Koorapaty does not disclose all elements of Applicants' independent claim 1. In particular, Koorapaty does not disclose "identifying channels used

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for transmissions in an area" as is required in Applicants' independent claim 1. Koorapaty discloses "an attempt to detect at least one pre-specified wireless communication channel" (paragraph 0073). Applicants' independent claim 1 does not claim identifying a pre-specified wireless communication channel as is taught in Koorapaty, but rather identifying channels used for transmission in an area. Koorapaty does not teach or suggest identifying channels used for transmissions in an area. The Examiner's statement as to Koorapaty's disclosure of a location privacy manager does not indicate that Koorapaty teaches identifying channels used for transmissions in an area as is required in Applicant's independent claim 1. Applicants therefore request the withdrawal of the 102(b) rejection of independent claim 1.

The Examiner rejected Applicants' dependent claim 2 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches identifying a wireless basic service set operating in an area. In addition to Applicants' arguments regarding independent claim 1, Applicants assert that Koorapaty does not disclose either identifying a wireless basic service set or identifying a wireless basic service set operating in an area, as is required in Applicants' dependent claim 2. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 2.

The Examiner rejected Applicants' dependent claim 3 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches assuming a service set is a same service set with which a station recently associated. In addition to Applicants' arguments regarding independent claim 1 and dependent claim 2, Applicants argue that Koorapaty does not disclose assuming a service set is a same service set with which a station recently associated as is required in Applicants' dependent claim 3. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 3.

The Examiner rejected Applicants' dependent claim 4 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches identifying a basic service set operating in said area. In addition to Applicants' arguments regarding independent claim 1, Applicants argue that Koorapaty does not disclose either identifying a basic service or identifying a basic service set operating in said area as is required in Applicants' dependent claim 4. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 4.

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The Examiner rejected Applicants' dependent claim 5 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches referring to a list of at least one channel used in an area. In addition to Applicants' arguments regarding independent claim 1, Applicants argue that Koorapaty does not disclose referring to a list of at least one channel used in an area, as is required in Applicants' dependent claim 5. While Koorapaty may teach a list of channels, the list in Koorapaty is not specific to an area. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 5.

The Examiner rejected Applicants' dependent claim 7 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches evaluating a quality of transmission of at least one of the identified channels. In addition to Applicants' arguments regarding independent claim 1, Applicants argue that Koorapaty does not disclose evaluating a quality of transmission of at least one of the identified channels, as is required in Applicants' dependent claim 7. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 7.

The Examiner rejected Applicants' dependent claim 8 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches updating a list of channels used by transmission devices in an area with data collected in a scan of the identified channels. In addition to Applicants' arguments regarding independent claim 1, Applicants argue that Koorapaty does not disclose updating a list of channels used by transmission devices in the area with data collected in a scan of the identified channels, as is required in Applicants' dependent claim 8. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 8.

The Examiner rejected Applicants' dependent claim 9 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches updating a list of service sets with service sets that are identified during a scanning. In addition to Applicants' arguments regarding independent claim 1, Applicants argue that Koorapaty does not disclose updating a list of service sets with services sets that are identified during a scanning, as is required in Applicants' dependent claim 9. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 9.

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Applicants' claims 6 and 10 depend from independent claim 1 and include all of the elements of such independent claim 1. As described above, Applicants' independent claim 1 is allowable. Applicants therefore assert that claims 6 and 10 are likewise allowable.

In the office action, the Examiner rejected Applicants' independent claim 11 under 102(b) as being anticipated by Koorapaty. Applicants assert that Koorapaty does not teach a memory to store data about at least once channel used by transmitters in an area, as is required in Applicants' independent claim 11. Applicants therefore request the withdrawal of the 102(b) rejection of independent claim 11.

The Examiner rejected Applicants' dependent claim 12 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches that the processor is to detect a service set and select at least one channel used for transmissions with such service set. In addition to Applicants' arguments regarding independent claim 11, Applicants argue that Koorapaty does not disclose a processor to detect a service set and select at least one channel used for transmissions with such service set, as is required in Applicants' dependent claim 12. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 12.

The Examiner rejected Applicants' dependent claim 13 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches that the processor is to detect a basic service set operating in an area and to select at least one channel used for transmissions in an area of the basic service set. In addition to Applicants' arguments regarding independent claim 11, Applicants argue that Koorapaty does not disclose a processor to detect a basic service set operating in an area and to select at least one channel used for transmissions in an area of the basic service set, as is required in Applicants' dependent claim 13. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 13.

The Examiner rejected Applicants' dependent claim 14 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches that the memory is to store data about channels used for transmissions with at least one service set. In addition to Applicants' arguments regarding independent claim 11, Applicants argue that Koorapaty does not disclose a memory to store data about channels used for transmissions with at least

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one service set, as is required in Applicants' dependent claim 14. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 14.

The Examiner rejected Applicants' dependent claim 15 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches a memory to store data about transmitters in an area of a basic service set. In addition to Applicants' arguments regarding independent claim 11, Applicants argue that Koorapaty does not disclose a memory to store data about transmitters in an area of a basic service set, as is required in Applicants' dependent claim 15. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 15.

The Examiner rejected Applicants' dependent claim 16 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty and asserted that Koorapaty teaches a processor to select an access point for association based on a quality of transmission with the access point. In addition to Applicants' arguments regarding independent claim 11, Applicants argue that Koorapaty does not disclose a processor to select an access point for association based on a quality of transmission with said access point, as is required in Applicants' dependent claim 16. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 16.

The Examiner rejected Applicants' dependent claim 17 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty and asserted that Koorapaty teaches that the processor is to update a memory with data collected in a scanning. In addition to Applicants' arguments regarding independent claim 11, Applicants argue that Koorapaty does not disclose a processor to update a memory with data collected in a scanning, as is required in Applicants' dependent claim 17. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 17.

Claim 18 depends from independent claim 11 and includes all of the elements of such independent claim 11. As described above, Applicants' independent claim 11 is allowable. Applicants therefore assert that claim 18 is likewise allowable.

In the office action, the Examiner rejected Applicants' independent claim 19 under 102(b) as being anticipated by Koorapaty. Applicants assert that Koorapaty does not teach a storage medium having stored thereon instructions that, when executed by a processor, result in identifying channels to be scanned in an area; as is required in Applicants' independent

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claim 19. Applicants therefore request the withdrawal of the 102(b) rejection of independent claim 19.

The Examiner rejected Applicants' dependent claim 20 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches the execution of instructions that further result in updating a table of identified channels with data collected during a scan. In addition to Applicants' arguments regarding independent claim 19, Applicants argue that Koorapaty does not disclose execution of instructions that further result in updating a table of identified channels with data collected during a scan, as is required in Applicants' dependent claim 20. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 20.

The Examiner rejected Applicants' dependent claim 21 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches the execution of instructions that further result in ordering identified channels for scanning based on data collected on such channels. In addition to Applicants' arguments regarding independent claim 19, Applicants argue that Koorapaty does not disclose execution of instructions that further result in ordering identified channels for scanning based on data collected on such channels, as is required in Applicants' dependent claim 21. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 21.

In the office action, the Examiner rejected Applicants' independent claim 22 under 102(b) as being anticipated by Koorapaty. Applicants assert that Koorapaty does not teach a controller to identify channels used for transmissions in an area; and a memory to store data about at least one channel used by transmitters in said area; as is required in Applicants' independent claim 22, as amended. Applicants therefore request the withdrawal of the 102(b) rejection of independent claim 22, as amended.

The Examiner rejected Applicants' dependent claim 23 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches a controller to detect a service set operating in an area and to select at least one channel used for transmissions with such service set. In addition to Applicants' arguments regarding independent claim 19, Applicants argue that Koorapaty does not disclose a controller to detect a service set operating in an area and select at least one channel used for transmissions with a service set,

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as is required in Applicants' dependent claim 23. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 23.

The Examiner rejected Applicants' dependent claim 24 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches a controller to update a table of channels with data collected in during a scan. In addition to Applicants' arguments regarding independent claim 24, Applicants argue that Koorapaty does not disclose a controller to update a table of channels with data collected during a scan, as is required in Applicants' dependent claim 24. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 24.

In the office action, the Examiner rejected Applicants' independent claim 25 under 102(b), as being anticipated by Koorapaty. Applicants assert that Koorapaty does not teach a controller to identify channels to be scanned in an area; and a memory to store data about at least one channel used by transmitters in the area; as is required in Applicants' independent claim 25, as amended. Applicants therefore request the withdrawal of the 102(b) rejection of independent claim 25.

The Examiner rejected Applicants' dependent claim 26 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches a controller to detect a service set in an area. In addition to Applicants' arguments regarding independent claim 24, Applicants argue that Koorapaty does not disclose a controller to detect a service set in said area, as is required in Applicants' dependent claim 26. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 26.

The Examiner rejected Applicants' dependent claim 27 under 35 U.S.C. § 102(b), as being anticipated by Koorapaty, and asserted that Koorapaty teaches a controller to update a table of identified channels with data collected on at least one channel. In addition to Applicants' arguments regarding independent claim 24, Applicants argue that Koorapaty does not disclose a controller to update a table of identified channels with data collected on such at least one channel, as is required in Applicants' dependent claim 27. Applicants therefore request the withdrawal of the 102(b) rejection of dependent claim 27.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1 - 27.

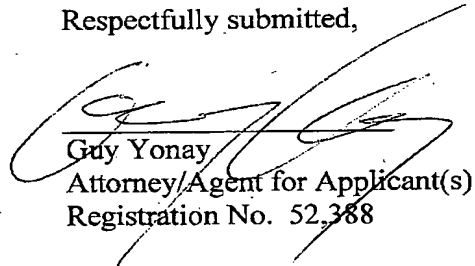
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In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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Dated: October 31, 2005

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**Amendments to the Drawings**

The attached sheets of drawings include Fig. 1. The replacement sheet includes the previously omitted item and replaces the original Fig. 1.

Attachment: Replacement Sheet

## APPENDIX A